



1 WHEREAS, as set forth in the August 24, 2012 Joint Case Management Conference  
2 Statement, the parties participated in an all-day mediation on October 11, 2012;

3 WHEREAS, while no agreement was reached to resolve the action at that time, the parties'  
4 settlement discussions continued in the ensuing months;

5 WHEREAS, the parties are pleased to report that they have now reached an agreement in  
6 principle to resolve this action in its entirety;

7 WHEREAS, the parties respectfully request that the Court vacate all deadlines currently set  
8 in this action, including the April 8, 2013 deadlines for plaintiffs to file a motion to strike pursuant to  
9 Fed. R. Civ. P. 12(f)(2) and for defendants to file a motion to amend pursuant to Fed. R. Civ. P.  
10 15(a)(1)(A), so that the parties can finalize a stipulation of settlement and related documents; and

11 WHEREAS, plaintiffs intend to submit a Motion for Preliminary Approval of Derivative  
12 Settlement no later than April 29, 2013.

13 NOW, THEREFORE, the parties hereby stipulate and agree, subject to this Court's approval,  
14 as follows:

15 1. All deadlines currently set in this action, including the April 8, 2013 deadlines for  
16 plaintiffs to file a motion to strike pursuant to Fed. R. Civ. P. 12(f)(2) and for defendants to file a  
17 motion to amend pursuant to Fed. R. Civ. P. 15(a)(1)(A), are vacated.

18 **STIPULATED AND AGREED:**

19 DATED: April 5, 2013

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15 Co-Lead Counsel for Plaintiffs

16 DATED: April 5, 2013

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28 DATED: April 5, 2013

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1 DATED: April 5, 2013

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13 DATED: April 5, 2013

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Counsel for Defendant Jerry S. Rawls

I, Christopher M. Wood, am the ECF User whose identification and password are being used to file the Stipulation and [Proposed] Order Vacating Deadlines and Setting Schedule for Filing of Preliminary Approval Papers. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Sarah A. Good, David A. Priebe, Lloyd Winawer and Jared L. Kopel have concurred in this filing.

s/ Christopher M. Wood  
CHRISTOPHER M. WOOD

\* \* \*

**ORDER**

Based on the above Stipulation of the parties, by and through their counsel of record, and for good cause showing, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. All deadlines currently set in this action, including the April 8, 2013 deadlines for plaintiffs to file a motion to strike pursuant to Fed. R. Civ. P. 12(f)(2) and for defendants to file a motion to amend pursuant to Fed. R. Civ. P. 15(a)(1)(A), are vacated.

IT IS SO ORDERED.

DATED: 1 11 11

Ronald M. Whyte  
THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE